IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr.A. No.746/2000

Reserved on.27.12.2007

Decided on.31.12.2007

State of H.P. **…Appellant.**

Versus

Sohan Singh and another. **…Respondents**

Coram

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting ?[1]*. No.*

For the appellant : Mr. V.K. Verma, Addl. Advocate General

For the respondents Mr. Sandeep Sharma, Advocate.

Rajiv Sharma, J.

The respondents were prosecuted in criminal case No.111-1 of 1997 for offences punishable under sections 336, 323 and 325 read with section 34 of the Indian Penal Code in the court of Chief Judicial Magistrate, Bilaspur and were acquitted by the Chief Judicial Magistrate, Bilaspur on 10.5.2000. The State has come in the appeal against the acquittal of the respondents.

The facts in nutshell are that on 8.3.1997 at about 8.50 A.M. Shri Tajender Pal (PW-1) was returning to his house at Kandraur. On reaching near the house of accused Sohan Singh, he was pushed by Sohan Singh and he fell down. His mother Smt. Pushpa (PW-3) came out of the house, but respondent Sohan Singh and Amarjit Singh pelted stones resulting in injuries to his mother and brother Sh. Surinder Pal. The matter was reported to the police by Shri Tajendar Pal pursuant to which FIR was

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgment***? No.

registered. The challan was put up. The prosecution had examined 8 witnesses. The accused persons denied the allegations of the prosecution when examined under section 313 of the Code of Criminal Procedure. The Chief Judicial Magistrate, Bilaspur acquitted the respondents on 10.5.2000.

The learned Additional Advocate General had strenuously argued that the judgment dated 10.5.2000 is not sustainable in the eyes of law.

Mr. Sandeep Sharma, Advocate appearing on behalf of the respondents had supported the judgment dated 10.5.2000.

I have heard the learned counsel for the parties and have gone through the record of the case.

PW-3 Smt. Pushpa Devi has stated that the accused Amarjit Singh and his 3-4 companions pelted the stones resulting in injuries to her. She has not mentioned the name of Sohan Singh in her statement. The prosecution has not explained the injuries, which were received by Smt. Prem Latta, wife of accused. The litigation was also pending between the parties which shows that the relations between the parties were not cordial. The learned trial court on proper appreciation of the evidence of the witnesses has rightly come to the conclusion that the prosecution had failed to prove the case against the respondents.

In view of the observations made hereinabove, this Court will not interfere in the well reasoned judgment of the learned Chief Judicial Magistrate, Bilaspur acquitting the respondents on 10.5.2000.

The result of the above discussion is that the appeal fails and the same is dismissed. The bail bonds furnished by the accused are discharged.

(Rajiv Sharma), Judge

December 31, 2007**Awasthi***